



Interview Summary: National Capital Commission / Résumé de l'entretien: Commission de la capitale nationale

Please note that this interview was conducted in a bilingual setting. The summary will reflect information in the language in which it was obtained.

Veuillez noter que l'entretien s'est déroulé dans un environnement bilingue. Le résumé reflètera l'information dans la langue dans laquelle elle a été recueillie.

Background / Contexte

The National Capital Commission (the “**NCC**”)¹ is a Crown corporation that is overseen by the Minister of Public Services and Procurement Canada (“**PSPC**”).² [In January and February 2022, the Minister of PSPC was Minister Filomena Tassi.] NCC is the main federal urban planner and the largest landowner in the National Capital Region. The NCC notably owns and manages various parks, scenic parkways, and official governmental residences.

Mr. Tobi Nussbaum is the Chief Executive Officer of the NCC. His role is one of overall direction and oversight. He was briefed on all matters of importance relating to the NCC during the period of the protests.

Ms. Anne Ménard is the Vice President of the Capital Stewardship Branch³ of the NCC. All operations related to the protests fell within her branch.

M. Patrick Laliberté est le directeur du département des terrains urbains de l'Ontario et de la ceinture de verdure auprès de la CCN, un département dans la branche de l'Intendance de la capitale.

Mr. Ian Grabina is the Land Manager at the NCC and reports to Mr. Laliberté. His role is to coordinate internal and external resources. The majority of events that occurred during the protests fell within the portfolio that he manages.

Mr. Mathieu Brisson is the Senior Manager, Operations and Lifecycle at the NCC and reports to Mr. Laliberté. His main role during the protests was liaising with contractors. He was also on site at Confederation Park on Saturday February 5, 2022, and on Sunday

¹ En français : la Commission de la capitale nationale (la « **CCN** »).

² En français : le Ministère des Services publics et Approvisionnement Canada (le « **SPAC** »)

³ En français : la branche de l'Intendance de la capitale.



February 6, 2022, when Confederation Park and Lawrence Freiman Lane were cleared by the Ottawa Police Service (the “OPS”).⁴

The witnesses were interviewed in a panel format by Shantona Chaudhury, Eric Brousseau, and Sajeda Hedaraly on August 22, 2022. Les questions concernant ce résumé doivent être dirigées à Sajeda Hedaraly. This summary should be read in conjunction with NCC’s Institutional Report.

Text contained in square brackets are explanatory notes provided by Commission Counsel to assist the reader.

[Jurisdiction / Compétence](#)

M. Laliberté a expliqué que plusieurs juridictions sont impliquées sur les terrains de la CCN. Les agent·es de conservation de la CCN ont eu un mandat très restreint lors des événements; ils et elles ont été mandaté·es essentiellement pour effectuer de l’observation et de la surveillance. Les agent·es de conservation contactent d’autres services policiers au besoin, notamment le SPO pour les affaires criminelles.

Ms. Ménard explained that a memorandum of understanding (“**MOU**”) between the Royal Canadian Mounted Police (the “**RCMP**”)⁵ and the NCC regarding the appointment of NCC conservation officers as peace officers enables them to enforce some NCC regulations. Mr. Nussbaum and Mr. Brisson added that the RCMP essentially provides traffic enforcement, while the MOU delegates authority to enforce some laws to NCC conservation officers. Conservation officers must undertake specialized training approved by the RCMP.

[NCC’s Relationships with Other Actors During the Protests / La relation de la CCN avec d’autres intervenant·es pendant les manifestations](#)

Representation at the Regional Level / Représentation au niveau national

La CCN n’était pas représentée au Centre de commandement de la région de la capitale nationale (le « **CCRCN** »)⁶. Par contre, le SPAC a intégré la CCN dans son Centre ministériel des opérations d’urgence (le « **DEOC** »)⁷. Un·e représentant·e du DEOC participait aux rencontres du CCRCN et pouvait rapporter l’information pertinente au

⁴ En français: le Service de police d’Ottawa (le « **SPO** »).

⁵ En français: la Gendarmerie royale du Canada (la « **GRC** »).

⁶ In English: National Capital Region Command Center (“**NCRCC**”).

⁷ In English: Departmental Emergency Operations Centre.



DEOC. Le DEOC se rencontrait une à deux fois par jours pendant la durée des manifestations.

Relationship with PSPC / Relations avec le SPAC

Mr. Nussbaum has biweekly meetings with the Deputy Minister of PSPC. M. Laliberté a expliqué que la CCN fait également des travaux de maintenance pour la SPAC, en tant que « jardiniers de la capitale ».

During the protests, the NCC and PSPC coordinated their actions in the protection of federal land, as they are both federal landowners in the National Capital Region. For example, they coordinated their fencing activities. Le DEOC était l'un des endroits où ces discussions de coordination pouvaient avoir lieu.

Relationship with OPS / Relations avec le SPO

M. Laliberté a indiqué que la CCN travaillait en collaboration avec la ville d'Ottawa et le SPO pendant les manifestations. La CCN a des moyens très limités d'intervenir de façon indépendante mais a offert son équipement et son expertise aux autres personnes impliquées. Elle partageait notamment l'information qu'elle obtenait avec ses partenaires fédéraux et les services policiers.

Relationship with the RCMP / Relations avec la GRC

The NCC reached out to the RCMP to obtain assistance during the protests. As further discussed below, the issues for which the NCC contacted the RCMP eventually ended up being resolved through the NCRCC.

The NCC also received requests from the RCMP, for example regarding road closures. The OPS had the lead in dealing with protest activities on NCC land but the RCMP was involved in the NCRCC. On one occasion, the NCC received requests about the same issue from both the OPS and the RCMP.

Relationship with Other Police Services

The NCC did not interact with Parliamentary Protective Services, the Ontario Provincial Police, or the Sûreté du Québec. The NCC interacted with the Service de police de la Ville de Gatineau (the “**SPVG**”) when a parking lot in the Jacques-Cartier Park was used by some protesters.

Arrival of the Convoy / Arrivée du Convoi

M. Laliberté a expliqué que les informations auxquelles la CCN avait accès avant l'arrivée du Convoi provenaient de plusieurs sources, incluant les médias traditionnels, les médias sociaux, les services policiers et les partenaires fédéraux de la CCN. Ces informations étaient variables et fragmentaires, et il était donc très difficile d'avoir une idée de l'ampleur



du Convoi avant son arrivée. Il n'y avait notamment pas d'informations disponibles quant au nombre précis de véhicules qui se dirigeaient vers Ottawa. La CCN a travaillé avec les informations disponibles et avec ses entrepreneurs pour sécuriser divers emplacements.

Selon M. Laliberté, avant l'arrivée du Convoi, la CCN s'attendait à une opération policière avec des aspects de gestion de foule et de gestion de la circulation. Le mandat de la CCN était d'entretenir et de s'assurer de l'intégrité de ses actifs. Mme Ménard a expliqué que les agent·es de conservation avaient reçu la directive de surveiller les terrains de la CCN.

According to Mr. Grabina, no one had ever seen such a large protest with these types of vehicles. The NCC was operating on the basis of information from law enforcement that the protest would only last for the weekend. At some point during the weekend, however, it became clear that people would not leave. M. Laliberté a ajouté que les sites devenaient de plus en plus organisés et il ne semblait pas y avoir de réduction dans le nombre de manifestant·es.

Mr. Grabina explained that following a request from OPS in advance of the protests, the NCC allowed the OPS to use Queen's Elizabeth Driveway, Sir John A. Macdonald Parkway, and Sir Georges-Étienne Cartier Parkway as overflow for vehicles during the protests. The NCC was concerned about weight restrictions on some bridges connecting to Sir John A. Macdonald Parkway and Sir Georges-Étienne Cartier Parkway, and it was important that vehicles not be permitted to park on those bridges. The length of time that the protest vehicles remained in these areas was unexpected. Mr. Grabina noted that it was a priority for the NCC to have the vehicles removed from these areas, even if that may not have been a priority for law enforcement. M. Laliberté a également discuté d'une demande du SPO à la CCN pour que cette dernière intervienne sur un de ces sites, alors que la CCN avait auparavant clairement indiqué que le SPO devait faire la gestion des sites qu'elle utilisait. La confusion sur les questions de compétence s'est améliorée avec le temps.

[NCC's Role during the Protests / Le rôle de la CCN pendant les manifestations](#)

On February 2, 2022, the NCC requested RCMP assistance to ensure the protection of federal sites.⁸ Ms. Ménard noted that, at the time, NCC's sites were notably being used by protesters to set up encampments and store dangerous goods. For example, NCC conservation officers did not have the authority to stop protesters from carrying gas cans through the Rideau Canal and required assistance from law enforcement agencies. The

⁸ Email from Anne Ménard to Ches Parsons, RCMP Commanding Officer, and Mitch Monette, RCMP Superintendent February 2, 2022, **PB.CAN.00000171**.



RCMP did not respond to the NCC's request⁹ but the issues raised by the NCC were eventually resolved through the NCRCC.

On February 3, 2022, the NCC was informed by the OPS that the protesters were constructing a wooden shack in Confederation Park and that they were stockpiling fuel. According to Mr. Grabina, the OPS suggested that the NCC send in a third-party fire inspector, which the NCC perceived as an instance where the OPS tried to push back some responsibility to the NCC. M. Laliberté a ajouté que la CCN était inquiète d'envoyer seulement un inspecteur ou inspectrice du service d'incendie, puisque ses agent·es se faisaient intimider par les manifestant·es lorsqu'ils ou elles se présentaient sur les lieux.

Later that day, following a text message exchange regarding the situation at Confederation Park,¹⁰ Mr. Nussbaum discussed this issue with the Chief of the OPS, Peter Sloly. The wooden shack worried Mr. Nussbaum, as it indicated escalation, it symbolized permanence, and it violated NCC laws and regulations. The gas cannisters were worrisome because they were dangerous goods moved and stored haphazardly. Mr. Nussbaum therefore sought OPS' assistance in removing these items from the park. Mr. Nussbaum provided Mr. Laliberté's contact information to Chief Sloly, as Mr. Nussbaum understood from Chief Sloly that the OPS planned to initiate enforcement action at Confederation Park the next morning and that Mr. Laliberté would be on site.

On February 4, 2022, Mr. Laliberté was on site to work directly with the OPS. The NCC had planned for a private contractor to be on site to remove the shack after law enforcement had cleared the area. Vers 10-11h, le SPO a demandé une lettre lui accordant la compétence d'agir à titre d'agents de la CCN. Mr. Nussbaum signed a letter addressed to the OPS in which he authorized the OPS to enforce all aspects of the *Trespass to Property Act* and to act as agent for the NCC.¹¹ M. Laliberté a donné une copie de cette lettre aux services policiers le jour-même. Les services policiers ont également contacté un représentant de la communauté algonquine pour parler aux manifestant·es. Cette rencontre a eu lieu vers 18h. Le SPO a informé M. Laliberté qu'il était trop tard pour une action policière et de demander à l'entrepreneur de la CCN mobilisé pour retirer les structures de quitter les lieux.

On February 5, 2022, Mr. Nussbaum reached out to Chief Sloly to better understand when the OPS would begin enforcement actions. Chief Sloly did not give a window for enforcement action at that point. Selon M. Nussbaum et M. Laliberté, même si les

⁹ Email from Véronique de Passillé, Chief of Staff and Commission Secretary (NCC) to Lars Wessman, Senior Policy Advisor (PSPC), February 4, 2022, **PB.CAN.00000960**.

¹⁰ See text messages between Tobi Nussbaum and Peter Sloly, Chief of the OPS, February 3, 2022, **PB.CAN.00000175** and **PB.CAN.00000176**.

¹¹ Letter from Tobi Nussbaum to Peter Sloly and Patricia K. Ferguson, Deputy Chief of the OPS, February 4, 2022, **PB.CAN.00000224**.



opérations au Parc de la Confédération n'ont pas eu lieu comme prévues, le SPO tenait la CCN bien informée des développements. La collaboration entre les parties était très étroite et bien organisée.

On February 6, 2022, Mr. Brisson was told by an OPS officer that they would take their time before making people leave. The NCC posted a notice asking all illegal activities to cease immediately.¹² Protesters cleared the area approximately six hours later. The protesters cleared the wooden shack themselves and most left by themselves. The NCC then cleaned and fenced the area. A few small vehicles were left in the park, which were towed by a towing company contacted by the OPS.

Following these events, the site remained barricaded. Un·e agent·e de conservation ou un·e agent·e de sécurité d'une agence privée (embauchée par la NCC en collaboration avec le Conseil National des Arts) avait le mandat de faire le tour du parc de façon périodique pour s'assurer qu'il n'y avait pas de nouveau campement et contrôler l'accès à l'allée Lawrence Freiman.

On February 8, 2022, Mr. Grabina had a phone call with Sgt. Mark Nethercott from the OPS. The OPS wanted to understand the NCC's plan for the second week of the protests in order to properly plan OPS resources.¹³

On February 15, 2022, Chief Sloly resigned from the OPS. This resignation had little effect on the communications between the NCC and the OPS. At that point, the issue at Confederation Park had been resolved. The NCC's level of interaction with law enforcement diminished after Confederation Park was cleared, although it remained actively engaged with the OPS regarding other sites.

[Invocation of the Emergencies Act / L'invocation de la Loi sur les mesures d'urgence](#)

Several extraordinary measures were taken by the NCC during the protests, notably the use of jersey barriers at Bronson Park, the use of concrete planters, and the shutting down of Queen Elizabeth Driveway. [Jersey barriers are concrete barriers used to block the passage of vehicles.]

Après l'invocation de la *Loi sur les mesures d'urgence*, la CCN a continué ses opérations de surveillance. M. Laliberté a noté que la fermeture du Parc de la Confédération était une première dans l'histoire de la CCN.

¹² Notice from Anne Ménard to all persons, February 6, 2022, **PB.CAN.00000256**.

¹³ See email exchange between Ian Grabina and Mark Nethercott, February 7, 2022, **PB.CAN.00000936**.



Given its mandate to build a dynamic capital, the NCC had an interest in the outcome of the protests beyond the clearing of its lands. NCC members were glad when the protests ended, as people could move about the capital more freely.

Concluding Thoughts / Conclusion

Mr. Nussbaum explained that the NCC is a large entity with negligible enforcement power. It therefore did not have the capacity to deal with the impact of the protests on its lands. The NCC views the aftermath of the protests as an opportunity to develop strategies to be better prepared for such events and to ensure that all parties involved have greater clarity on enforcement jurisdiction.